

Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS SECOND SESSION

SENATE

MONDAY, December 3, 1928

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Seventieth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

CHARLES G. DAWES, of Illinois, Vice President of the United States, called the Senate to order at 12 o'clock meridian.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who alone dost guide and govern the minds and hearts of men, make us deeply conscious of Thy presence in our midst as again we meet to take counsel together concerning the work Thou has committed to our care. To the guidance of Thy wisdom and the keeping of Thy love we commend our Nation, and do Thou so rule the hearts of Thy servants, the President, the Vice President, and all others in authority, that they, knowing whose ministers they are, may above all things seek Thy honor and glory.

And may Thine especial blessing rest upon the Members of the Senate, that as the times demand strong minds, great hearts, true faith, and willing hands, so they may stand forth as leaders—sun-crowned men who live above the fog in public duty and in private thinking. Let their souls be quiet homes of prayer and praise, where the needful cares of life are wisely ordered with wide, sweet spaces kept for Thee, where holy thoughts may dwell and fervent longings watch and wait Thy coming; and grant that they may walk while it is day in the steps of Him who with fewest hours finished Thy divinest work, Jesus Christ, Thy Son our Lord. Amen.

CALL OF THE ROLL

The VICE PRESIDENT. This being the day designated by the Constitution of the United States for the assembling of the second session of the Seventieth Congress, the Senate, pursuant thereto, is now in session. The Chief Clerk will call the roll to ascertain if a quorum is present.

The Chief Clerk (John C. Crockett) called the roll, and the following Senators answered to their names:

Barkley	Fletcher	McLean	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	Gerry	McNary	Smoot
Black	Gillett	Metcalf	Steak
Blaine	Glass	Moses	Stelwer
Blaise	Goff	Neely	Stephens
Borah	Gould	Norris	Swanson
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Tydings
Broussard	Harris	Overman	Tyson
Capper	Harrison	Phipps	Vandenberg
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Mo.	Warren
Dale	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Sackett	Wheeler
Edge	Kling	Schall	
Edwards	Locher	Sheppard	
Fess	McKellar	Shipstead	

Mr. SHEPPARD. I desire to announce the unavoidable absence of my colleague [Mr. MAYFIELD] on account of illness.

Mr. NORRIS. I wish to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is absent from the Chamber owing to illness.

Mr. WATSON. I desire to announce that my colleague the junior Senator from Indiana [Mr. ROBINSON] is detained at home by important business.

Mr. McMASTER. I wish to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably detained from the Senate.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent.

Mr. GERRY. Mr. President, I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is necessarily absent due to illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

DEATH OF SENATOR FRANK R. GOODING

Mr. BORAH. Mr. President, I desire to announce the death of my former colleague, Hon. FRANK R. GOODING, who died at his home in Idaho on the 24th of last June. At a later day I shall ask the Senate to set aside a time to pay proper respect to his memory. For the present I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 264) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK R. GOODING, late a Senator from the State of Idaho.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

SENATORS FROM IDAHO, MICHIGAN, AND ILLINOIS

Mr. BORAH. Mr. President, I send to the desk the certificate of election of Hon. JOHN THOMAS as a Senator from the State of Idaho. Mr. THOMAS is now in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The credentials will be read.

The credentials were read and ordered to be placed on file, as follows:

STATE OF IDAHO,
OFFICE OF THE GOVERNOR,
Boise.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Idaho, I, H. C. Baldrige, the governor of said State, do hereby appoint Hon. JOHN THOMAS, of Gooding, Idaho, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Senator FRANK R. GOODING, of Gooding, Idaho, is filled by election, as provided by law.

Witness: His excellency our governor, H. C. Baldrige, and our seal hereto affixed at Boise, Idaho, this 30th day of June, A. D. 1928.

By the governor:

[SEAL.]

H. C. BALDRIGE, Governor.
FRED E. LUKENS,
Secretary of State.

STATE OF IDAHO,
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, JOHN THOMAS was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the unexpired term of six years beginning on the 4th day of March, 1927.

Witness: His excellency our governor, H. C. Baldrige, by O. E. Halley, acting governor, and our seal hereto affixed, at Boise, this 28th day of November, A. D. 1928.

By the governor:

[SEAL.]

O. E. HALLEY,
Acting Governor.
FRED E. LUKENS,
Secretary of State.

Mr. COUZENS. Mr. President, I send to the desk the certificate of election of my colleague, Hon. ARTHUR H. VANDENBERG, and ask that it be read and that he be sworn in at the proper time.

The VICE PRESIDENT. The clerk will read the credentials.

The credentials were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION, STATE OF MICHIGAN

We, the undersigned, State canvassers, from an examination of the election returns received by the secretary of state, determine that at the general election held on the 6th day of November, 1928, ARTHUR H. VANDENBERG was duly elected United States Senator for the term ending on the 4th day of March, 1929.

In witness whereof we have hereto subscribed our names, at Lansing, this 26th day of November, 1928.

JOHN S. HAGGERTY,
Secretary of State,
FRANK D. MCKAY,
State Treasurer,
WEBSTER H. PEARCE,
Superintendent of Public Instruction,
Board of State Canvassers.

STATE OF MICHIGAN,

Department of State, ss:

I hereby certify that the foregoing copy of the certificate of determination of the board of State canvassers is a correct transcript of the original of such certificate of determination on file in this office.

In witness whereof I have hereto attached my signature and the great seal of the State, at Lansing, this 26th day of November, 1928.

[SEAL.]

JOHN S. HAGGERTY,
Secretary of State.

Mr. DENEEN. Mr. President, I send to the desk the certificate of election of my colleague, Hon. OTIS F. GLENN, as a Senator from Illinois, which I ask may be read.

The VICE PRESIDENT. The clerk will read, as requested. The credentials were read and ordered to be placed on file, as follows:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
LEN SMALL, GOVERNOR OF ILLINOIS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify, that on the 6th day of November, 1928, OTIS F. GLENN was duly chosen by the qualified electors of the State of Illinois, a Senator from said State to represent said State in the Senate of the United States for the unexpired term beginning on the 3d day of December, 1928.

Witness: His excellency our governor, Len Small, and our seal hereto affixed at Springfield, Ill., this 27th day of November, in the year of our Lord, 1928.

By the governor:

[SEAL.]

LEN SMALL,
LOUIS L. EMMERSON,
Secretary of State.

Mr. DENEEN. The certificate of election is accompanied by sundry supporting papers which I ask may also be placed on file and printed in the RECORD.

There being no objection, the matter referred to was ordered to be placed on file and to be printed in the RECORD, as follows:

EXECUTIVE DEPARTMENT,
STATE OF ILLINOIS,
Springfield, Ill.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Len Small, the Governor of said State, do hereby appoint Frank L. Smith a Senator from said State to represent said State in the Senate of the United States to fill the vacancy therein caused by the death of the Hon. William B. McKinley, and for the unexpired term of the said William B. McKinley, deceased.

Witness: His excellency our governor, Len Small, and our seal hereto affixed at Springfield, Ill., this 16th day of December, in the year of our Lord 1928.

LEN SMALL, Governor.

By the governor:

[SEAL.]

LOUIS L. EMMERSON,
Secretary of State.

[Indorsements on back: Appointment of Frank L. Smith as United States Senator to fill vacancy caused by the death of Hon. William B. McKinley. Filed, executive department, December 16, 1926. Louis L. Emmerson, secretary of state.]

(Certificate No. 32988)

STATE OF ILLINOIS,
OFFICE OF THE SECRETARY OF STATE.

To all to whom these presents shall come, greeting:

I, Louis L. Emmerson, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true photostatic copy of the resignation as United States Senator under date of February 9, 1928, of Frank L. Smith and the acceptance thereof, under the same date, by Len Small, Governor of Illinois; the appointment of Frank L. Smith as United States Senator by the Governor under date of February 9, 1928; a call by the governor for a special primary election to be held on Tuesday, the 10th day of April, A. D. 1928, and also a special election to fill vacancy, on Tuesday, the 6th day of November, A. D. 1928, for United States Senator; also certificate issued by the governor addressed to the President of the Senate of the United States of the appointment of Frank L. Smith to fill said vacancy, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of the State of Illinois. Done at the city of Springfield this 28th day of November, A. D. 1928.

[SEAL.]

LOUIS L. EMMERSON,
Secretary of State.

DWIGHT, ILL., February 9, 1928.

Hon. LEN SMALL,

Governor of Illinois, Springfield, Ill.

SIR: I hereby tender to you my resignation as United States Senator of Illinois on the credentials of my election on November 2, 1926, by the people of Illinois.

Respectfully,

FRANK L. SMITH.

Accepted February 9, A. D. 1928.

LEN SMALL, Governor of Illinois.

[Indorsement on back: Resignation and acceptance of resignation Frank L. Smith as United States Senator of Illinois. Filed executive department February 9, 1928. Louis L. Emmerson, secretary of state.]

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, Ill., February 9, 1928.

Whereas Hon. Frank L. Smith, a duly elected United States Senator of the State of Illinois, has, on the 9th day of February, A. D. 1928, tendered to me his resignation as United States Senator of Illinois on the credentials of his election on November 2, A. D. 1926, and said resignation has been accepted by me on said 9th day of February, A. D. 1928, by reason of which resignation and the acceptance thereof I do find that a vacancy exists in the representation of the State of Illinois in the Senate of the United States: Now, therefore,

I, Len Small, Governor of Illinois, by virtue of the authority in me vested by the Constitution of the United States and the constitution of the State of Illinois and the laws made under and in pursuance thereof, do hereby appoint Frank L. Smith, who resides in the village of Dwight, county of Livingston, State of Illinois, a Senator from the State of Illinois to represent said State in the Senate of the United States until the vacancy therein caused by the said resignation of said Frank L. Smith is filled by election as provided by law.

Done at the capitol in the city of Springfield, this 9th day of February, A. D. 1928 and of the State of Illinois the one hundred and tenth.

[SEAL.]

LEN SMALL, Governor.

By the governor:

LOUIS L. EMMERSON,
Secretary of State.

[Indorsement on back: Appointment of Frank L. Smith as United States Senator from the State of Illinois. Filed, executive department, February 9, 1928. Louis L. Emmerson, secretary of state.]

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, Ill., February 9, 1928.

Whereas Hon. Frank L. Smith, a duly elected United States Senator of the State of Illinois has, on the 9th day of February, A. D. 1928, tendered to me his resignation as United States Senator of Illinois on the credentials of his election on November 2, A. D. 1926, and said resignation has been accepted by me on said 9th day of February, A. D. 1928, by reason of which resignation and the acceptance thereof I do find that a vacancy exists in the representation of the State of Illinois in the Senate of the United States:

Now, therefore, I, Len Small, Governor of Illinois, by virtue of the authority in me vested by the Constitution of the United States and the constitution of the State of Illinois and the laws made under and in pursuance thereof, do hereby appoint Tuesday, the 10th day of April, A. D. 1928, as the day for holding a primary election for the purpose of nominating candidates for the said vacancy; and I do also hereby

appoint Tuesday, the 6th day of November, A. D. 1928, as the day for holding of an election for the purpose of electing a United States Senator from the State of Illinois to fill the aforesaid vacancy.

The secretary of state will therefore prepare writs of election in accordance with law.

Done at the capitol in the city of Springfield this 9th day of February in the year of our Lord 1928 and of the State of Illinois the one hundred and tenth.

LEN SMALL, Governor.

By the governor:
[SEAL.]

LOUIS L. EMMERSON,
Secretary of State.

[Indorsements on back: Call of the governor for a special primary election to be held April 10, 1928, and call for special election to be held November 6, 1928, to elect a United States Senator from Illinois. Filed, executive department, February 9, 1928. Louis L. Emmerson, secretary of state.]

EXECUTIVE DEPARTMENT,
STATE OF ILLINOIS,
Springfield, Ill.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Len Small, the governor of said State, do hereby appoint Frank L. Smith a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Frank L. Smith, is filled by election as provided by law.

Witness: His excellency our governor, Len Small, and our seal hereto affixed at Springfield, Ill., this 9th day of February, in the year of our Lord nineteen hundred and twenty-eight.

[SEAL.]

LEN SMALL, Governor.

By the governor:

LOUIS L. EMMERSON,
Secretary of State.

[Indorsements on back: Copy of the official certificate to the President of the United States Senate of the appointment of Frank L. Smith as United States Senator of Illinois. Filed executive department, February 9, 1928. Louis L. Emmerson, secretary of state.]

The VICE PRESIDENT. The Senators elect will present themselves at the Vice President's desk to take the oath of office.

Mr. GLENN, escorted by Mr. DENEEN, Mr. VANDENBERG, escorted by Mr. COUZENS, and Mr. THOMAS of Idaho, escorted by Mr. BORAH, advanced to the Vice President's desk, and the oath prescribed by law having been administered to them by the Vice President, they took their seats in the Senate.

LIST OF SENATORS BY STATES

Alabama.—J. Thomas Hefflin and Hugo L. Black.
Arizona.—Henry F. Ashurst and Carl Hayden.
Arkansas.—Joseph T. Robinson and T. H. Caraway.
California.—Hiram W. Johnson and Samuel M. Shortridge.
Colorado.—Lawrence C. Phipps and Charles W. Waterman.
Connecticut.—George P. McLean and Hiram Bingham.
Delaware.—Thomas F. Bayard and T. Coleman du Pont.
Florida.—Duncan U. Fletcher and Park Trammell.
Georgia.—William J. Harris and Walter F. George.
Idaho.—William E. Borah and John Thomas.
Illinois.—Charles S. Deneen and Otis F. Glenn.
Indiana.—James E. Watson and Arthur R. Robinson.
Iowa.—Daniel F. Steck and Smith W. Brookhart.
Kansas.—Charles Curtis and Arthur Capper.
Kentucky.—Frederic M. Sackett and Alben W. Barkley.
Louisiana.—Joseph E. Ransdell and Edwin S. Broussard.
Maine.—Frederick Hale and Arthur R. Gould.
Maryland.—William Cabell Bruce and Millard E. Tydings.
Massachusetts.—Frederick H. Gillett and David I. Walsh.
Michigan.—James Couzens and Arthur H. Vandenberg.
Minnesota.—Henrik Shipstead and Thomas D. Schall.
Mississippi.—Pat Harrison and Hubert D. Stephens.
Missouri.—James A. Reed and Harry B. Hawes.
Montana.—Thomas J. Walsh and Burton K. Wheeler.
Nebraska.—George W. Norris and Robert B. Howell.
Nevada.—Key Pittman and Tasker L. Oddie.
New Hampshire.—George H. Moses and Henry W. Keyes.
New Jersey.—Walter E. Edge and Edward I. Edwards.
New Mexico.—Sam G. Bratton and Bronson Cutting.
New York.—Royal S. Copeland and Robert F. Wagner.
North Carolina.—F. M. Simmons and Lee S. Overman.
North Dakota.—Lynn J. Frazier and Gerald P. Nye.
Ohio.—S. D. Fess and Cyrus Locher.
Oklahoma.—W. B. Pine and Elmer Thomas.
Oregon.—Charles L. McNary and Frederick Steiwer.

Pennsylvania.—David I. Reed and William S. Vare.¹
Rhode Island.—Peter G. Gerry and Jesse H. Metcalf.
South Carolina.—Ellison D. Smith and Cole L. Blease.
South Dakota.—Peter Norbeck and Wm. H. McMaster.
Tennessee.—Kenneth McKellar and L. D. Tyson.
Texas.—Morris Sheppard and Earle B. Mayfield.
Utah.—Reed Smoot and William H. King.
Vermont.—Frank L. Greene and Porter H. Dale.
Virginia.—Claude A. Swanson and Carter Glass.
Washington.—Wesley L. Jones and C. C. Dill.
West Virginia.—M. M. Neely and Guy D. Goff.
Wisconsin.—Robert M. La Follette, jr., and John J. Blaine.
Wyoming.—Francis E. Warren and John B. Kendrick.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS submitted the following resolution (S. Res. 265), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed Mr. CURTIS and Mr. ROBINSON of Arkansas as the committee on the part of the Senate.

NOTIFICATION TO THE HOUSE

Mr. CURTIS submitted the following resolution (S. Res. 266), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

HOOR OF DAILY MEETING

Mr. CURTIS submitted the following resolution (S. Res. 267), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

ADJOURNMENT

Mr. BORAH. Mr. President, as a further mark of respect to the memory of the deceased Senator from Idaho, the late Hon. FRANK R. GOODING, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 4, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, December 3, 1928

This being the day fixed by the Constitution of the United States for the annual meeting of the Congress of the United States, the House of Representatives of the Seventieth Congress met in its Hall at 12 o'clock noon for the second session, and was called to order by the Speaker, Hon. NICHOLAS LONGWORTH, a Representative from the State of Ohio.

The Rev. James Shera Montgomery, Chaplain, offered the following prayer:

Holy, holy, holy, Lord God of Hosts, Thou art the light of the world and the source of all wisdom. Thy goodness and mercy have followed us until our latest breath. We, therefore, praise Thee. Have compassion on us in our failures; pity us and forgive our sins. We pray for a continuance of Thy ministrations unto the Republic. With patriotic zeal and unselfish devotion help us to reach those altitudes where we shall hear that clarion voice of duty which inspired a government "conceived in liberty and dedicated to the proposition that all men are created equal." In these Thy servants unfold the fundamentals of truth. Spiritualize their thoughts, that they in all things may disclose the counsels of God. Oh, be unspeakably good and divinely near them, that they may stand forth among the sons of men consecrated to the greatest good of humanity. Do Thou preserve the strength of their minds and the vigor of their bodies. We are most humbly grateful for our beloved country. We thank Thee for its manifold material blessings; but do Thou lift it to an outlook from which all of our citizens shall see more than mere matter and realize the real values of the soul. Create in us the sincerest convictions as to the need

¹ Oath not administered.